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10/755,857	01/12/2004	Thomas Erskine	BCGIR-004XX	8432
207 7590 03/17/2010 WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP TEN POST OFFICE SQUARE BOSTON, MA 02109				
EXAMINER				
CRANFORD, MICHAEL D				
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3695				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/755,857

**Applicant(s)**

ERSKINE ET AL.

**Examiner**

MICHAEL D. CRANFORD

**Art Unit**

3695

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/12/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Status of Claims**

1. This action is in reply to the amendment filed on 21 December 2009.
2. Claims 1-14 have been canceled.
3. Claims 15-28, 30, 34 and 37-43 have been amended.
4. Claims 15-28, 30, 34 and 37-43 are currently pending and have been examined.
5. The rejections of claims 15-28, 30, 34 and 37-43 have been updated to reflect the amendments.
6. This action is **final**.

### **Response to Arguments**

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection. However, in an effort to elucidate the applicability of the selected prior art, the Examiner has provided a riposte to the Applicant's arguments.

### **Claim Rejections - 35 USC § 103**

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:  
  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
8. Claims 15-28, 30, 34 and 37-43 are rejected under 35 U.S.C. 103(a) as being obvious over Gurel (US PGP 2004/0023636 A1 – herein referred to as Gurel) in view of Dominguez et al. (US PGP

2003/0200184 A1 – herein referred to as Dominguez).

9. **Claim 15:**

Gurel shown, discloses the following limitations:

- *subscriber database comprised of individual subscriber account records, each providing data relevant to a respective subscriber account, including at least an account balance (see at least page 2 paragraph 0031)*
- *balance manager in communication with the subscriber database for receiving real-time data characterizing wireless sessions telephone calls chargeable to a subscriber account, for rating the received real-time wireless telephone call characterizing data according to rating data from the subscriber database, for modifying the respective subscriber account record in the subscriber database on the basis of the rated real-time wireless telephone call characterizing data, and for providing subscriber account record data upon request (see at least ABSTRACT)*
- *treatment handler in communication with the balance manager for determining whether a next wireless telephone call chargeable to the respective subscriber account is subject to wireless telephone call processing before and real-time monitoring during, the next wireless telephone call, or whether the next wireless telephone call chargeable to the subscriber account is subject to only wireless telephone call processing after termination of the next wireless telephone call or (ii) subject to only wireless telephone call processing after termination of the wireless telephone call (see at least page 2 paragraph 0031....see also ABSTRACT)*
- *called party identification data (see at least page 3 paragraphs 0041 and 0043)*
- *calling party identification data (see at least page 3 paragraphs 0041 and 0043)*
- *call direction data (see at least page 3 paragraph 0043)*
- *call start and end times data (see at least page 3 paragraph 0043)*
- *call duration data (see at least page 3 paragraph 0043)*

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- *call disposition data* (see at least page 3 paragraphs 0041 and 0043)
- *call service area data* (see at least page 3 paragraph 0041)

**10. Claim 16:**

Gurel shown, discloses the following limitations:

- *subscriber database, balance manager, event manager, and treatment handler are adapted to perform telephone call monitoring through receiving real-time wireless telephone call-characterizing data by the balance manager subsequent to the wireless telephone call termination, rating the real-time wireless telephone call-characterizing data upon receipt at the balance manager, modifying the respective subscriber account record in the subscriber database by the balance manager on the basis of the rated real-time wireless telephone call-characterizing data, and subsequently analyzing the modified subscriber account record by the treatment handler* (see at least page 2 paragraphs 0031 and 0033)

**11. Claim 17:**

Gurel shown, discloses the following limitations:

- *treatment handler is further adapted to perform wireless telephone call processing after termination of the wireless telephone call through analysis of the modified subscriber account record with respect to predefined business rules stored in conjunction with the treatment handler* (see at least ABSTRACT....see also page 2 paragraph 0033)

**12. Claim 18:**

Gurel shown, discloses the following limitations:

- *treatment handler is further adapted to perform wireless telephone call processing after termination of the wireless telephone call by determining whether future wireless telephone calls chargeable to the respective subscriber account are subject to only wireless telephone call processing after termination of the wireless telephone call or are*

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*subject to telephone call processing before and real-time monitoring during, the wireless telephone call (see at least ABSTRACT....see also page 2 paragraph 0033)*

**13. Claim 19:**

Gurel shown, discloses the following limitations:

- *subscriber database, balance manager and event manager are adapted to perform wireless telephone call processing before, and real-time monitoring during, the wireless telephone call, through the provision of subscriber account record data from the subscriber database to the event manager via the balance manager and the accumulation of real-time wireless telephone call-characterizing data by the event manager during the wireless telephone call (see at least page 2 paragraph 0031....see also ABSTRACT)*

**14. Claim 20:**

Gurel shown, discloses the following limitations:

- *balance manager and event manager are further adapted to perform wireless telephone call processing before, and real-time monitoring during, the wireless telephone call, through the provision of accumulated real-time wireless telephone call-characterizing data from the event manager to the balance manager subsequent to the -wireless telephone call (see at least page 2 paragraphs 0031 and 0033)*

**15. Claim 21:**

Gurel shown, discloses the following limitations:

- *balance manager and subscriber database are further adapted to rate the real-time wireless call- characterizing data upon receipt at the balance manager and to modify the respective subscriber account record in the subscriber database on the basis of the rated real-time wireless telephone call-characterizing data for subscribers subject to wireless telephone call processing before, and real-time monitoring during, the wireless telephone call (see at least page 2 paragraphs 0031 and 0033)*

**16. Claim 22:**

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Gurel shown, discloses the following limitations:

- *treatment handler is adapted to determine whether to authorize a subscriber-requested wireless telephone call subject to wireless telephone call processing before, and real-time monitoring during a wireless telephone call, or subject to only wireless telephone call processing after termination of the wireless telephone call on the basis of one or more metrics selected from the group consisting of cash balance, credit balance, debt balance, applicable rate plan, home or roaming status, payments due, and credit rating (see at least ABSTRACT....see also page 2 paragraph 0033)*

**17. Claim 23:**

Gurel shown, discloses the following limitations:

- *treatment handler is further adapted to perform wireless telephone call processing after termination of the wireless telephone call through the establishment of a treatment identifier which, when analyzed by the event manager upon receipt of a subsequent wireless call initiation request, identifies whether a wireless telephone call chargeable to the respective subscriber account is subject to wireless telephone call processing after termination of the wireless telephone call or wireless telephone call processing before and real-time monitoring during, the wireless telephone call (see at least ABSTRACT....see also page 2 paragraph 0033)*

**18. Claim 24:**

Gurel shown, discloses the following limitations:

- *payment portal associated with the balance manager for enabling real-time modification of a subscriber account record (see at least page 3 paragraph 0043)*

**19. Claim 25:**

Gurel shown, discloses the following limitations:

- *balance manager is responsive to a modification of a subscriber account record, in the subscriber database, initiated by the payment portal, by sending a signal to the treatment handler (see at least page 3 paragraph 0043)*

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**20. Claim 26:**

Gurel shown, discloses the following limitations:

- *treatment handler is responsive to receipt of the signal from the balance manager by analyzing the modified subscriber account record with respect to predefined business rules stored in conjunction with the treatment handler (see at least page 3 paragraph 0043)*

**21. Claim 27:**

Gurel shown, discloses the following limitations:

- *treatment handler analysis of the modified subscriber account record is for determining whether further future real-time wireless telephone calls chargeable to the respective subscriber account record are subject to only wireless telephone call processing after termination of the wireless telephone call or are subject to wireless telephone call processing before, and real-time monitoring during, the wireless telephone call (see at least ABSTRACT....see also page 2 paragraphs 0031 and 0033)*

**22. Claim 28:**

Gurel shown, discloses the following limitations:

- *treatment handler is further adapted to perform wireless telephone call processing before and real-time monitoring during, the wireless telephone call, through the establishment of a treatment identifier which, when analyzed by the event manager upon receipt of a subsequent wireless telephone call initiation request, identifies whether a wireless telephone call chargeable to the respective subscriber account is subject to wireless telephone call processing after termination of the call or wireless telephone processing before and real-time monitoring during, the wireless telephone call (see at least ABSTRACT....see also page 2 paragraph 0033)*

**23. Claim 29:**

Gurel shown, discloses the following limitations:



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- *messaging agent in communication with the treatment handler for the selective delivery of a message to a subscriber* (see at least ABSTRACT....see also page 3 paragraph 0042)

**24. Claim 30:**

Gurel shown, discloses the following limitations:

- *messaging agent is comprised of a database of predetermined messages selectable by the treatment handler for delivery to a subscriber according to a treatment handler analysis of the respective subscriber account record* (see at least ABSTRACT....see also page 3 paragraph 0042)

**25. Claim 31:**

Gurel shown, discloses the following limitations:

- *messaging agent is adapted for incorporating data provided by the treatment handler in a selected predetermined message for delivery to a subscriber* (see at least ABSTRACT....see also page 3 paragraph 0042)

**26. Claim 32:**

Gurel does not expressly disclose *messaging agent is adapted to deliver a message in a medium selected from the group consisting of text, graphics and audio*.

However, Dominguez does disclose a third aspect of the invention pertains to a method for authenticating the identity of an account holder wherein the account holder uses a mobile device capable of receiving and transmitting voice and/or text messages. This method involves establishing and conducting a transaction between an account holder and a requesting party over a first voice or messaging channel, sending a payment authentication request message (PAREq) from the requesting party to the trusted party over the Internet, establishing a connection between the account holder and the trusted party over a second voice or messaging channel, and transmitting an authenticating token from the account holder to the trusted party over the second voice or messaging channel.....(see at least page 2 paragraph 0011).

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27. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Gurel and Dominguez with the practitioners own knowledge in order to disclose a mobile account authentication service and a wireless prepaid payphone system and cost control application because this provides way for mobile phone users to monitor and control their account usage.

28. **Claim 33:**

Gurel shown, discloses the following limitations:

- *messaging agent is adapted to deliver a message immediately upon being instructed by the treatment handler or at a future time (see at least ABSTRACT....see also page 3 paragraph 0042)*

29. **Claim 34:**

Gurel shown, discloses the following limitations:

- *analyzing data characteristic of a subscriber account record at a treatment handler with respect to predetermined values available thereto for determining if a subsequent subscriber initiated wireless telephone call is to be subject to wireless telephone call processing before and real-time monitoring during the wireless telephone call, or if the subsequent subscriber-initiated wireless telephone call is to be subject to only wireless telephone call processing after termination of the wireless call (see at least ABSTRACT....see also page 2 paragraph 0033)*
- *establishing a treatment identifier reflective of the treatment handler analysis (see at least ABSTRACT....see also page 3 paragraph 0042)*
- *receiving a subscriber wireless telephone call initiation request to the telecommunications service plan at an event manager (see at least ABSTRACT....see also page 3 paragraph 0042)*
- *referring to the respective treatment identifier, by the event manager, for determining whether the requested subscriber wireless telephone call is subject to wireless telephone call processing before, and real-time monitoring during, the wireless*

*telephone call, or if the wireless telephone call is subject to only wireless telephone call processing after termination, wherein if the treatment indicator indicates to the event manager that the wireless telephone call is subject to wireless telephone call processing before, and real-time monitoring during, the wireless telephone call, retrieving data from a respective subscriber account record maintained by a balance manager in an associated subscriber database, by the event manager, for determining if the subscriber record data is sufficient to authorize wireless telephone call initiation (see at least page 3 paragraphs 0042 and 0043)*

**30. Claim 37:**

Gurel shown, discloses the following limitations:

- *authorizing wireless telephone call initiation by the event manager in response to determining the subscriber account record data is sufficient (see at least ABSTRACT....see also page 2 paragraphs 0031 and 0033)*
- *monitoring the wireless telephone call in real-time subsequent to wireless communication telephone call initiation (see at least ABSTRACT....see also page 2 paragraphs 0031 and 0033)*

**31. Claim 38:**

Gurel shown, discloses the following limitations:

- *sending real-time wireless telephone-call related data to the balance manager by the event manager subsequent to wireless telephone call termination (see at least page 3 paragraphs 0042 and 0043)*
- *rating the real-time wireless telephone call-related data by the balance manager (see at least see at least page 2 paragraph 0034)*
- *updating the respective subscriber account record by the balance manager on the basis of the rated real-time wireless telephone call-related data (see at least page 3 paragraphs 0042 and 0043)*
- *called party identification data (see at least page 3 paragraphs 0041 and 0043)*

- *calling party identification data* (see at least page 3 paragraphs 0041 and 0043)
- *call direction data* (see at least page 3 paragraph 0043)
- *call start and end times data* (see at least page 3 paragraph 0043)
- *call duration data* (see at least page 3 paragraph 0043)
- *call disposition data* (see at least page 3 paragraphs 0041 and 0043)
- *call service area data* (see at least page 3 paragraph 0041)

**32. Claim 39:**

Gurel shown, discloses the following limitations:

- *identifying, by the treatment handler, one of a set of predetermined messages associated with a messaging agent* (see at least page 3 paragraph 0042)
- *instructing, by the treatment handler, the messaging agent to deliver the identified message* (see at least page 3 paragraph 0042)

**33. Claim 40:**

Gurel shown, discloses the following limitations:

- *authorizing wireless telephone call initiation if the treatment indicator indicates to the event manager that the wireless telephone call is subject to only wireless telephone call processing after termination of the wireless telephone call monitoring* (see at least page 3 paragraph 0043)

**34. Claim 41:**

Gurel shown, discloses the following limitations:

- *sending real-time wireless telephone call-related data to the balance manager by the event manager subsequent to wireless telephone call termination* (see at least page 3 paragraphs 0042 and 0043)
- *rating the real-time wireless telephone call-related data by the balance manager* (see at least see at least page 2 paragraph 0034)

- *updating the respective subscriber account record by the balance manager on the basis of the rated real-time wireless telephone call-related data (see at least page 3 paragraphs 0042 and 0043)*
- *indicating to the event manager, by the balance manager, that the respective subscriber account record has been modified (see at least page 3 paragraphs 0042 and 0043)*

**35. Claim 42:**

Gurel shown, discloses the following limitations:

- *receiving a payment from a subscriber at a payment portal associated with the balance manager (see at least ABSTRACT and FIG. 2B)*
- *subscriber is subject to wireless telephone call processing before, and real-time monitoring during, the wireless telephone call, notifying the treatment handler of a change in the subscriber account record (see at least ABSTRACT....see also page 2 paragraphs 0031 and 0033)*

**36. Claim 43:**

Gurel shown, discloses the following limitations:

- *re-analyzing data characteristic of the subscriber account record by the treatment handler for determining if a subsequent subscriber-initiated wireless telephone call is again to be subject to wireless telephone call processing before, and real-time monitoring during, the wireless telephone call, or if the subsequent subscriber-initiated wireless telephone call is to be subject to only wireless telephone call processing after termination of the wireless telephone call (see at least page 2 paragraph 0033 and see also page 3 paragraphs 0042 and 0043)*
- *establishing a treatment identifier reflective of the treatment handler re-analysis (see at least page 2 paragraph 0033....see also page 3 paragraphs 0042 and 0043)*

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### CONCLUSION

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Michael D. Cranford** whose telephone number is **571-270-3106**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Charles Kyle** can be reached at **571-272-6746**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

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/ Michael Cranford / Examiner / Art Unit 3696 /  
March 11, 2010

/Charles R. Kyle/  
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